

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**) **MDL 2804**
)
) **Case No. 1:17-md-2804**
THIS DOCUMENT RELATES TO:)
) **Judge Dan Aaron Polster**
[*All non-Bellwether Tribal Plaintiffs*])
) **TRIBAL PLAINTIFFS' SHORT FORM**
) **FOR SUPPLEMENTING COMPLAINT**
) **AND AMENDING DEFENDANTS AND**
) **JURY DEMAND**

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in *Muscogee (Creek) Nation's* First Amended Complaint, (Doc. 731, 1:17-md-02804) and *The Blackfeet Tribe of the Blackfeet Indian Reservation's* Corrected First Amended Complaint (Redacted), (Doc. 9, 18-op-45459), both as pleaded and as may be amended in the future ("Tribal Bellwether Plaintiffs' pleadings"), and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)' existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)' Existing Complaint (No. -op- , Doc. #:) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES – DEFENDANTS

2 Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

I, _____, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).

I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:

Dated: _____ Signed: s/ _____

Factual Allegations Regarding Individual Defendants

2.1 _____

2.2 _____

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Tribal Bellwether Plaintiffs' Pleadings* as identified in the Court's Order implementing the Tribal Plaintiff Short Form procedure. Doc. # _____.

Muscogee (Creek) Nation's First Amended Complaint, (Doc. 731, 1:17-md-02804):

- Common Factual Allegations (¶¶96-98)
- Common Factual Allegations - Marketing Manufacturers (¶¶99-156)
- Common Factual Allegations - Generic Marketing Manufacturers (¶¶157-161)
- Common Factual Allegations - Diversion Defendants (¶¶162-165)
- Common Factual Allegations - Diversion Defendants and Distributor Defendants (¶¶166-169, 200-211)
- Common Factual Allegations - Distributor Defendants (¶¶212-223, 230-236)
- Common Factual Allegations - Pharmacy Defendants (¶¶170-177, 237-262)
- Common Factual Allegations - Diversion Manufacturer Defendants (¶¶224-229)
- Common Factual Allegations - RICO Marketing Enterprise (¶¶295-328)
- Common Factual Allegations - RICO Supply Chain Enterprise (¶¶329-352)

The Blackfeet Tribe of the Blackfeet Indian Reservation's Corrected First Amended Complaint (Redacted), (Doc. 9, 18-op-45459):

- Common Factual Allegations (¶¶99-143, 480-585, 636-650, 721-735)
- Common Factual Allegations - Marketing Defendants (¶¶144-468, 701-720, 736-763)
- Common Factual Allegations - Distributor Defendants (¶¶469-473)
- Common Factual Allegations - Supply Chain Defendants (¶¶474-479)
- Common Factual Allegations - National Retail Pharmacy Defendants (¶¶586-635,)
- Common Factual Allegations - RICO Marketing Enterprise (¶¶764-798)
- Common Factual Allegations - RICO Supply Chain Enterprise (¶¶799-827.)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

CLAIMS

5. The following federal **RICO causes of action** asserted in the *Tribal Bellwether Plaintiffs' Pleadings* as identified in the Court's implementing order and any subsequent amendments, are incorporated in this Short Form by reference, in addition to the causes of action

already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

- First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Muscogee (Creek) Pleadings*, Paragraphs 878-905)
- First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Blackfeet Pleadings*, Paragraphs 828-855)
- Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Muscogee (Creek) Pleadings*, Paragraphs 906-938)
- Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Muscogee (Creek) Pleadings*, Paragraphs 856-887)

6 Plaintiff asserts the following **additional claims** as indicated (below or attached):

7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s)'s Existing Complaint, they are identified below and will be dismissed without prejudice.

WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Tribal Bellwether* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: _____

Attorney for Plaintiff(s)